

**ORDINANCE NO. 019 -2009**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY LLOYD A. GOOD, JR., TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL CONSERVATION (RC) TO MIXED USE / COMMERCIAL (MC) FOR A PORTION OF PROPERTY LEGALLY DESCRIBED AS SECTION 3 TOWNSHIP 67 RANGE 27 SUGARLOAF KEY PT LOT 3 & PT LOT 4 HAVING REAL ESTATE NUMBER 00118420.000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, during a special scheduled public meeting held on June 2, 2009, the Monroe County Board of County Commissioners conducted a review and consideration of a request filed by Lloyd A. Good, Jr., to amend the subject's property Future Land Use Map (FLUM) designation from Residential Conservation (RC) to Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and the Land Development Regulations of the Monroe County Code; and

**WHEREAS**, the BOCC voted to transmit the proposed FLUM amendment to the Florida Department of Community Affairs on January 26, 2009; and

**WHEREAS**, the subject property is located at 17001 & 17075 Overseas Highway, Sugarloaf Key, Florida, Mile Marker 17 and is legally described as Section 3 Township 67 Range 27 Y67703-03 Sugarloaf Key PT Lot 3 & PT Lot 4 having real estate number 00118420.000000 and Section 34 Township 66 Range 27 Y66734-02 Sugarloaf Key PT Lot 3 having real estate number 00117930.000000; and

**WHEREAS**, in the map amendment application to the Planning & Environmental Resources Department, received June 26, 2008 the Applicant requested that the Future Land Use Map (FLUM) designation of one (1) parcel identified as Real Estate Number 00118420.000000 be amended from Residential Conservation (RC) to Mixed Use / Commercial (MC).

**WHEREAS**, based upon the information and documentation submitted, the Planning Commission makes the Findings of Fact and Conclusions of Law:

1. The proposed FLUM amendment is for real estate number 00118420.000000 and only on the triangular portion located 110 feet west of Bat Tower Road near U. S. 1.
2. Goal 101 manages future growth to enhance the quality of life.
3. Objective 101.4 maintains the community characters and protects natural resources by regulating future development and redevelopment.

4. Policy 101.4.5 establishes the Mixed Use / Commercial FLUM criteria.
5. In accordance with MCC Sec. 102-158(d)(5)b., the BOCC has used criteria specified therein for the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; changed assumptions (e.g., regarding demographic trends); data errors, including errors in mapping, vegetative types and natural features described in volume I of the plan; new issues; recognition of a need for additional detail or comprehensiveness; or data updates.
6. Staff has determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(v) Recognition of a need for additional detail or comprehensiveness.
7. For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the Principles for Guiding Development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. Staff finds proposed FLUM amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.
8. The proposed area is cleared and scarified and will not significantly affect natural resources.
9. MCC Section 102-158 maintains the proposed FLUM amendment may not permit an adverse change in community character.
10. Staff has determined the proposed future land use map designation to Mixed Use / Commercial (MC) will not adversely change community character.
11. The proposed FLUM amendment is less than 400 ft<sup>2</sup> and will have no additional impact on density/intensity.
12. Local roads are already in place and have been well maintained.
13. The area is scarified. Effects on natural resources are not anticipated.
14. The proposed FLUM amendment will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive area.
15. The 2008 U. S. 1 Arterial Travel Time and Delay Study for Monroe County indicates a LOS of "D" on Sugarloaf Key (MM 16.5 to MM 20.5). Applications for new development located within backlogged or constrained segments are required to undergo a thorough traffic analysis as part of the review process.
16. The FLUM amendment may have an insignificant affect on solid waste.

17. The 100 gallons per person per day of potable water is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Monroe County Year 2010 Comprehensive Plan.
18. MCC Section 114-4 requires that all developments retain stormwater on site following Best Management Practices (BMP's).
19. The proposed FLUM amendment will not adversely affect Objective 102.3.1 and will encourage infill development to remain on already existing developed land.

**WHEREAS**, the Planning & Environmental Resources Department Staff has found that all of the required standards are met and recommends approval of the application; and

**WHEREAS**, the Monroe County Planning Commission held a public hearing in Marathon on December 16, 2008 and based on the facts presented at the meeting, the Planning Commission recommended approval of the request;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property, which is currently designated Residential Conservation (RC) shall be designated Mixed Use / Commercial (MC) as shown on the attached maps, which are hereby incorporated by reference and attached as Exhibits 1 and 2.

Section 3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as delineated in Section 2 above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida and transmitted to the Florida Department of Community Affairs, but shall not become effective until a notice is issued by the DCA or Administration Commission approving the ordinance.

**SIGNATURE PAGE TO FOLLOW**

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the 2<sup>nd</sup> day of June A.D., 2009.

Mayor George Neugent	<u>Yes</u>
Mayor Pro Tem Sylvia Murphy	<u>Yes</u>
Commissioner Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Mario Di Gennaro	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS OF MONROE  
COUNTY, FLORIDA

BY

*George L. Neugent*

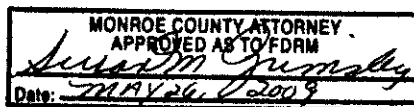
Mayor George Neugent

(SEAL)

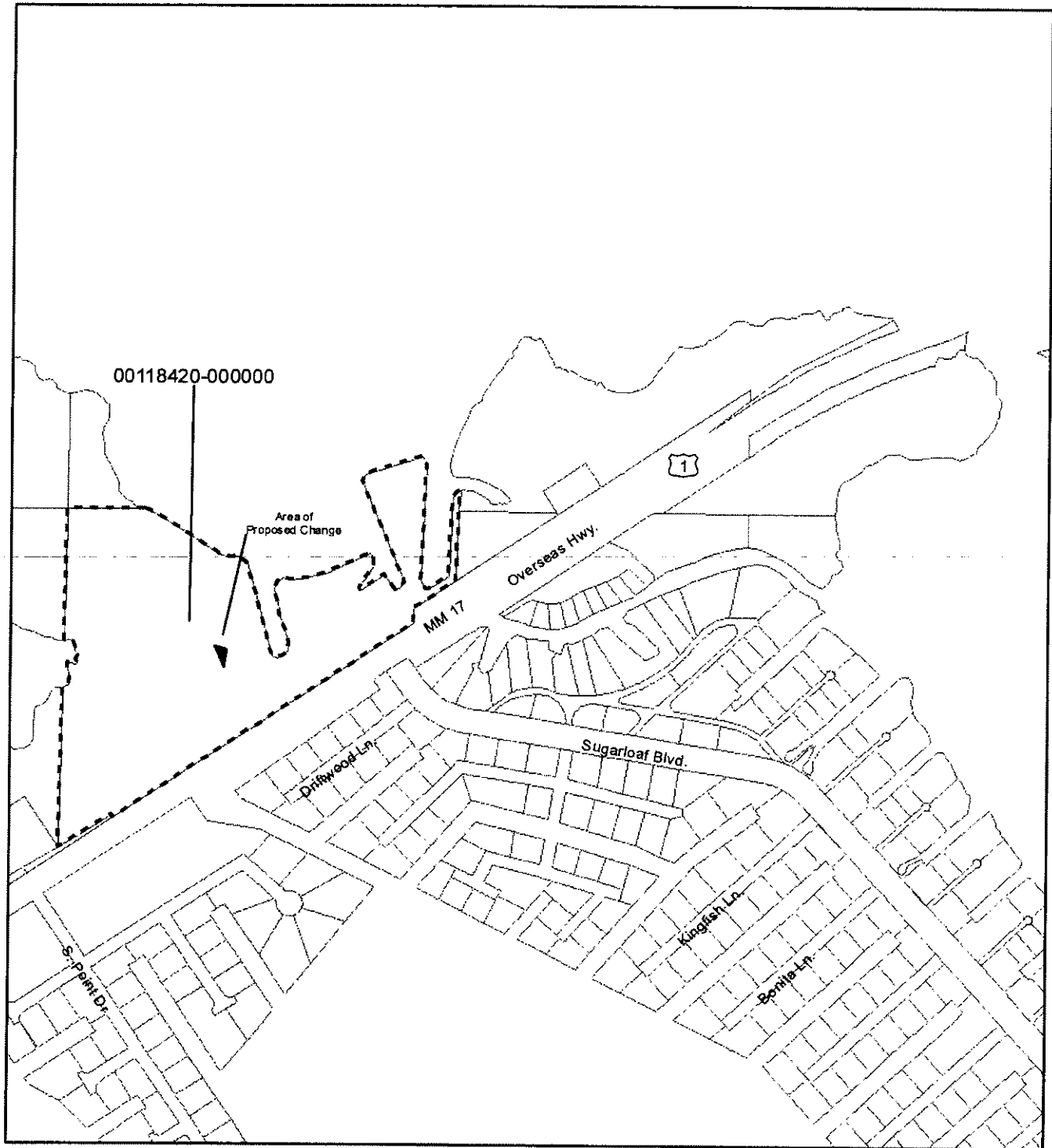
ATTEST: DANNY L. KOLHAGE, CLERK

*Daniel C. Desantis*

DEPUTY CLERK



FILED FOR RECORD  
2009 JUN 10 PM 2:43  
DANNY L. KOLHAGE  
CLERK CIR. CT.  
MONROE COUNTY, FL



**The Monroe County Future Land Use Map is amended  
as indicated above.**

Proposal: Future Land Use change for a portion of RE 00118420-000000  
from Residential Conservation (RC) to Mixed Use/Commercial (MC)



